

IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF VIRGINIA
 Harrisonburg Division

October 17, 2024
 LAURA A. AUSTIN, CLERK
 BY: s/J. Vasquez
 DEPUTY CLERK

RLI Insurance Company,)	
Plaintiff,)	Civil Action No. 5:18-cv-00066
)	
v.)	<u>ORDER</u>
)	
Nexus Services, Inc. et al,)	By: Joel C. Hoppe
Defendants.)	United States Magistrate Judge
)	

In May 2019, this Court issued an Order directing the United States Marshals Service (“USMS”) for the Western District of Virginia to take custody of a laptop computer (and any copies of its contents) allegedly belonging to Defendant Nexus Services. ECF No. 230. Although this civil action has been closed since November 2020, ECF No. 599, these materials remain in the custody of the USMS in Charlottesville, Virginia. ECF Nos. 242, 317. The materials do not have any evidentiary value in this closed case. On April 2, 2024, the Court notified the parties in writing that it intended to direct the USMS to dispose of the laptop and any remaining copies of its contents. Order, ECF No. 918 (citing ECF Nos. 230, 317). The Court instructed that, within fourteen (14) days from April 2, 2024, “any party may file a paper briefly stating its position as to how the USMS should dispose of this property.” *Id.* No party has filed such a statement as of October 2, 2024.

Accordingly, the Court finds that the laptop computer and all remaining copies of its contents, including the hardware on which any such copy is digitally stored, currently in the physical possession of the USMS in Charlottesville, Virginia (“the personal property”) have been voluntarily abandoned by their owner Defendant Nexus Services. *Cf. United States v. Premises & Real Property*, No. 07cv6395L, 2012 WL 2921868, at *1 (W.D.N.Y. May 17, 2012) (in a writ of assistance and order of eviction, directing that “[a]ny personal property remaining at the Real

Property shall be considered abandoned, pursuant to 41 C.F.R. § 102-41.80,” which defines the circumstances under which personal property is voluntarily abandoned). The USMS is hereby **DIRECTED** to retain for official use and/or to dispose of the personal property in accordance with Department of Justice procedures governing voluntarily abandoned personal property. *See, e.g.,* 41 C.F.R. § 102-41.85; *cf. Premises & Real Property*, 2012 WL 2921868, at *1 (directing that any personal property considered abandoned under 41 U.S.C. § 102-41.80 “will be disposed of in accordance with Department of Justice procedures for the disposal of abandoned property and applicable law”).

It is so ORDERED.

The Clerk shall send certified copies of this Order to the parties.

ENTER: October 17, 2024

A handwritten signature in black ink, appearing to read "Joel C. Hoppe".

Joel C. Hoppe
United States Magistrate Judge